



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

April 1, 2006

DORSEY & WHITNEY LLP
555 CALIFORNIA STREET, SUITE 1000
SUITE 1000
SAN FRANCISCO, CA 94104
US

Dear Sir/Madam,

Your refund request for 10780321 in the amount of \$2,400.00 has been denied .

Because of the multiple claims this money is owed. Claims numbers 26, 27, and 28 each count as 25 because of the wording.

Sincerely,

ELEANOR KURTZ
Technical Center Others
703 308-9010 x177

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PATENT
Attorney Docket No.: A-64360-2
Attorney File No.: 465840-00087

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
DIBRINO, Marianne N.

Examiner:
Art Unit: 1644

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal service on the date shown below with sufficient postage as first class mail in an envelope addressed Mail Stop 16, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Dated: February 16, 2006
Signed: Brent Vachara

In re application of:

BUELOW *et al.*

Application No. 10/780,321

Filed: February 17, 2004

For: Cytomodulating Lipophilic Peptides for
Modulating Immune System Activity and
Inhibiting Inflammation

**REQUEST FOR REFUND TO DEPOSIT ACCOUNT
UNDER 37 C.F.R. § 1.26**

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Director to credit a refund to Deposit Account No. 50-2319 for an overpayment which seems to have occurred in the processing of the above-identified patent application. Specifically, on October 11, 2005, Applicants filed a response to a non-final office action with amendment to the claims. The Examiner found the amendment to the claims non-responsive, and issued a Notice of Non-Compliant Amendment on October 17, 2005. Applicants then filed a response to the Notice of Non-Compliant Amendment on January 23, 2006 (a copy is attached herewith), with a corrected listing of pending claims. Upon entry of the amendment, there are a total of 21 claims and 52 total claims pending in this application. Applicants were thus charged an excess claims fee in the amount of \$4,000.00. This amount is clearly in error. Based on Deposit Account No. 50-2319. This amount is clearly in error. Based on the fact that the number of claims over 20 is 32, not 80. The total fees for claims

U.S. Serial No.: 10/780,321
Filing Date: February 17, 2004

and not the \$4,000.00 charged by the U.S.P.T.O. A copy of the U.S.P.T.O. sales receipt is attached herewith, along with a "Patent Application Fee Determination Record" indicating an incorrect calculation of claims.

Therefore, pursuant to 37 C.F.R. § 1.26, Applicants respectfully request a refund in the amount of \$2,400.00 to be credited to Deposit Account 50-2319 (Order No.: 465840-00087; Docket No.: A-64360-2).

Please notify the undersigned when such payment has been credited to Deposit Account No. 50-2319.

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: 2/16/06
Customer Number: 32940
Dorsey & Whitney LLP
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By:

Michael F. Kolman
Michael F. Kolman, Reg. No. 54,234 for
Todd A. Lorenz, Reg. No. 39,754

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